

04.02.2022

Court No.32
rpan / **28**

C.R.M. (A) 152 of 2022

In Re:- An application for anticipatory bail under
section 438 of the Code of Criminal Procedure ;

And

In re: **Gopal Sharma & Another**

- Petitioners.

Ms. Sananda Bhattacharyya

... for the Petitioners

(through v.c.).

Mr. S. S. Imam,

Mr. R. Jana

... for the State.

Apprehending arrest in connection with Hanskhali
Police Station Case No.788 of 2021 dated 14.11.2021 under
Sections 447/326/307/34 of the Indian Penal Code, the
petitioners have filed the present application.

Ms. Bhattacharyya, learned advocate appearing for the
petitioners submits that the petitioners have been falsely
implicated due to previous enmity. The allegations levelled are
unfounded and omnibus in nature. A counter-case has also
been registered. In the said conspectus, the petitioners may be
granted anticipatory bail on any condition.

Mr. Imam, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to the
injury reports and the statements of the injured witnesses.

Heard the learned advocates appearing for the respective
parties and considered the materials in the case diary, including
the injury reports.

Prima facie, we do not find any grievous injury.
Considering the nature of accusations and the extent of

complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary. In view thereof, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Gopal Sharma** and **Mithu Sharma** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner no.1 shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 152 of 2022 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)